



RECEIVED
CENTRAL FAX CENTER
JUL 21 2005

FAX COVER PAGE

DATE: July 21, 2005

PAGES INCLUDING THIS PAGE: 14

TO: United States Patent and Trademark Office
COMPANY:

FAX NUMBER: 571-273-8300
PHONE NUMBER:

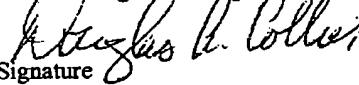
FROM: Douglas A. Collier

DIRECT DIAL: (317) 238-6333
FAX NUMBER: (317) 636-1507

RE: Response to Third, Non-Final Office Action, Serial No. 10/092,961

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

July 21, 2005
(Date of Transmission)

Douglas A. Collier
Name of Registered Representative

Signature

Hard copy will be sent via: Regular Mail Overnight Courier Fax Communication Only

Name of Sender: A. Patterson

Client Matter No.: MSDI-44

WARNING CONFIDENTIALITY NOTICE

The documents constituting this fax transmittal contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance upon the content of this fax transmittal is strictly prohibited. If you have received this fax transmittal in error, please immediately notify us by telephone at the number below to arrange for return of the original documents to us. Thank you.

For Questions or Problems in Transmission, Please Contact our Fax Operators

KRIEG DEVault LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS, IN 46204
TELEPHONE-(317) 636-4341
FAX-(317) 636-1507

KRIEG DEVault LLP
12800 N MERIDIAN STREET
SUITE 300
CARMEL, IN 46032
TELEPHONE-(317) 566-1110
FAX-(317) 636-1507

KRIEG DEVault GALVIN
LLP
5231 HOHMAN STREET
HAMMOND, IN 46320
TELEPHONE-(219) 933-0380
FAX-(219) 933-0471

KRIEG DEVault LUNDY
LLP
825 ANTHONY WAYNE
BUILDING
203 EAST BERRY STREET
Ft. WAYNE, IN 46802
TELEPHONE-(260) 422-1534
FAX-(260) 423-1590

IM-627701_1.DOC

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

12

Application Number

10/092,961

Filing Date

March 4, 2002

First Named Inventor

John Stewart Young

Art Unit

3732

Examiner Name

Anuradhu Ramana

RECEIVED
CENTRAL FAX CENTER
JUL 21 2005

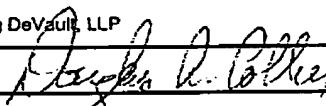
Attorney Docket Number

4002-2665/PC614.00

ENCLOSURES (Check all that apply)

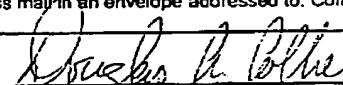
| | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | Krieg Devault, LLP | | |
| Signature |  | | |
| Printed name | Douglas A. Collier | | |
| Date | July 21, 2005 | Reg. No. | 43,556 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

| | | | |
|-----------------------|---|--|---------------|
| Signature |  | | |
| Typed or printed name | Douglas A. Collier | | Date |
| | | | July 21, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

#623270

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|--------------------------------|---|--------------------------------|---|
| In re patent |) | Before the Examiner | RECEIVED CENTRAL FAX CENTER JUL 21 2005 |
| application of: |) | | |
| John Stewart Young |) | Anuradhu Ramana | |
| Serial No. 10/092,961 |) | Group Art Unit 3732 | |
| Filed March 4, 2002 |) | | |
| DEVICES AND METHODS FOR SPINAL |) | Atty Docket 4002-2665/PC614.00 | |
| COMPRESSION AND DISTRACTION |) | | |
| |) | July 21, 2005 | |

RESPONSE TO THIRD, NON-FINAL OFFICE ACTION

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

In response to the office action mailed June 16, 2005, in the above-identified application, please enter the following. Please provide any extensions of time which may be necessary and charge any fees due or credit any overpayment to Deposit Account 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

July 21, 2005
 (Date of Transmission)

Douglas A. Collier
 Name of Registered Representative
Douglas A. Collier
 Signature

July 21, 2005
 Date of Signature

Response to Third Office Action
 Ser. No. 10/092,961
 Atty Docket No. 4002-2665/PC614.00
 Page 1 of 12